

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

DONALD E. ODOM, #0364485,  
Plaintiff,

v.

RENE SILVA, et al.,  
Defendants.

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Case No. 6:19-cv-171-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Donald E. Odom, a former prisoner confined within the Texas Department of Criminal Justice (TDCJ), proceeding pro se and in forma pauperis, filed this civil rights action alleging purported violations of his constitutional rights. The case was referred to United States Magistrate Judge, the Honorable John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.


On August 10, 2020, Judge Love issued a Report (Docket No. 24) recommending that the Court grant Defendants' motion to dismiss (Docket No. 16) and dismiss Plaintiff's claims without prejudice. A copy of this Report was sent to Plaintiff at his updated address, with an acknowledgment card. The docket reflects that Plaintiff received a copy of the Report on August 14, 2020 (Docket No. 25). However, to date, Plaintiff has filed no objections to the Report. Further, Plaintiff has not communicated with the Court since March 2020.

This Court reviews the findings and conclusions of the Magistrate Judge de

novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, because Plaintiff did not file objections in the prescribed period, the Court reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. Accordingly, the Court hereby **ADOPTS** the Report of the United States Magistrate Judge (Docket No. 24) as the opinion of the Court. Further, it is **ORDERED** that Defendants' motion to dismiss (Docket No. 16) is **GRANTED** and Plaintiff's claims in this action are **DISMISSED** without prejudice. All pending motions are hereby **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this 11th day of **September, 2020**.

  
 JEREMY D. KERNODLE  
 UNITED STATES DISTRICT JUDGE